

Remarks

The Office Action dated September 5, 2008, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claim 12 is amended as to matters of form only. No new matter is added. Claims 1-12 are pending in the application and are submitted for reconsideration

Applicants acknowledge the allowance of claims 1-11.

Claim 12 was rejected under 35 U.S.C. §101 because the claim is allegedly directed to non-statutory subject matter. Applicants traverse there rejection and submit that claim 12, as amended, recites subject matter is per se statutory.

Claim 12 is directed to a computer program stored on a computer-readable medium. A computer readable medium encoded with a program is an element which defines structural and functional interrelationships between the program and the rest of the device which permit the program's functionality to be realized, and is thus statutory. MPEP § 2106(II)(B)(1)(a). Thus, the rejection of claim 12 is improper and must be withdrawn.


In view of the above, all objections and rejections have been sufficiently addressed. The Applicants submit that the application is now in condition for allowance and request that claims 1-12 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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Date



Attorney for the Applicants
Brian A. Tollefson
Reg. No. 46,338
ROTHWELL, FIGG, ERNST & MANBECK
1425 K Street, N.W.
Suite 800
Washington, D.C. 20005
(202) 783-6040